



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB1769

Introduced 2/19/2009, by Sen. Heather Steans

SYNOPSIS AS INTRODUCED:

105 ILCS 5/10-20.46 new

105 ILCS 5/34-18.37 new

415 ILCS 65/2

from Ch. 5, par. 852

415 ILCS 65/3

from Ch. 5, par. 853

415 ILCS 65/6

from Ch. 5, par. 856

Amends the School Code. Requires each school superintendent to create a program to ensure that students attending the schools that he or she manages cannot access those schools' grounds for at least 12 hours after those grounds are treated with a lawn care product. Requires each district superintendent to appoint a Lawn Care Coordinator whose duty it shall be (i) to implement that program, (ii) to supervise the provision of notice under subdivision (f) (2) of Section 3 of the Lawn Care Products Application and Notice Act, and (3) if the district adopts a pesticide-free turf care program, to supervise that program. Amends the Lawn Care Products Application and Notice Act. Requires applicators for hire to provide additional types of information to customers. Requires the owners or operators of day care centers to provide parents with one of two types of notice before applying pesticide or having pesticide applied to day center grounds (now, only school districts must provide that notice). Requires the Illinois Department of Public Health to inform school boards and the owners and operators of day care centers about these requirements. Requires the Illinois Department of Public Health to report violations to the Department of Agriculture for enforcement. Effective immediately.

LRB096 11132 JDS 21497 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by adding Sections
5 10-20.46 and 34-18.37 as follows:

6 (105 ILCS 5/10-20.46 new)

7 Sec. 10-20.46. Lawn Care Coordinator; Protection of
8 Students from Lawn Care Products.

9 (a) Each district superintendent must create a program to
10 ensure that students attending the schools that he or she
11 manages cannot access those schools' grounds for at least 12
12 hours after those grounds are treated with a lawn care product.
13 For the purpose of this Section, "lawn care product" has the
14 same meaning as that term is defined in the Lawn Care Products
15 Application and Notice Act.

16 (b) Each district superintendent must appoint a Lawn Care
17 Coordinator whose duty it shall be (i) to implement and
18 supervise the program created under subsection (a) of this
19 Section, (ii) to supervise the provision of notice under
20 subdivision (f)(2) of Section 3 of the Lawn Care Products
21 Application and Notice Act, and (3) if the district adopts a
22 pesticide-free turf care program, to supervise that program.

1 (105 ILCS 5/34-18.37 new)

2 Sec. 34-18.37. Lawn Care Coordinator; Protection of
3 Students from Lawn Care Products.

4 (a) The general superintendent must create a program to
5 ensure that students attending the schools that he or she
6 manages cannot access those schools' grounds for at least 12
7 hours after those grounds are treated with a lawn care product.
8 For the purpose of this Section, "lawn care product" has the
9 same meaning as that term is defined in the Lawn Care Products
10 Application and Notice Act.

11 (b) The general superintendent must appoint a Lawn Care
12 Coordinator whose duty it shall be (i) to implement and
13 supervise the program created under subsection (a) of this
14 Section, (ii) to supervise the provision of notice under
15 subdivision (f)(2) of Section 3 of the Lawn Care Products
16 Application and Notice Act, and (3) if the district adopts a
17 pesticide-free turf care program, to supervise that program.

18 Section 15. The Lawn Care Products Application and Notice
19 Act is amended by changing Sections 2, 3, and 6 as follows:

20 (415 ILCS 65/2) (from Ch. 5, par. 852)

21 Sec. 2. Definitions.

22 For purposes of this Act:

23 "Application" means the spreading of lawn care products on
24 a lawn.

1 "Applicator for hire" means any person who makes an
2 application of lawn care products to a lawn or lawns for
3 compensation, including applications made by an employee to
4 lawns owned, occupied or managed by his employer and includes
5 those licensed by the Department as licensed commercial
6 applicators, commercial not-for-hire applicators, licensed
7 public applicators, certified applicators and licensed
8 operators and those otherwise subject to the licensure
9 provisions of the Illinois Pesticide Act, as now or hereafter
10 amended.

11 "Day care center" means any facility that qualifies as a
12 "day care center" under the Child Care Act of 1969.

13 "Department" means the Illinois Department of Agriculture.

14 "Department of Public Health" means the Illinois
15 Department of Public Health.

16 "Facility" means a building or structure and appurtenances
17 thereto used by an applicator for hire for storage and handling
18 of pesticides or the storage or maintenance of pesticide
19 application equipment or vehicles.

20 "Fertilizer" means any substance containing nitrogen,
21 phosphorus or potassium or other recognized plant nutrient or
22 compound, which is used for its plant nutrient content.

23 "Golf course" means an area designated for the play or
24 practice of the game of golf, including surrounding grounds,
25 trees, ornamental beds and the like.

26 "Golf course superintendent" means any person entrusted

1 with and employed for the care and maintenance of a golf
2 course.

3 "Lawn" means land area covered with turf kept closely mown
4 or land area covered with turf and trees or shrubs. The term
5 does not include (1) land area used for research for
6 agricultural production or for the commercial production of
7 turf, (2) land area situated within a public or private
8 right-of-way, or (3) land area which is devoted to the
9 production of any agricultural commodity, including, but not
10 limited to plants and plant parts, livestock and poultry and
11 livestock or poultry products, seeds, sod, shrubs and other
12 products of agricultural origin raised for sale or for human or
13 livestock consumption.

14 "Lawn care products" means fertilizers or pesticides
15 applied or intended for application to lawns.

16 "Person" means any individual, partnership, association,
17 corporation or State governmental agency, school district,
18 unit of local government and any agency thereof.

19 "Pesticide" means any substance or mixture of substances
20 defined as a pesticide under the Illinois Pesticide Act, as now
21 or hereafter amended.

22 "Plant protectants" means any substance or material used to
23 protect plants from infestation of insects, fungi, weeds and
24 rodents, or any other substance that would benefit the overall
25 health of plants.

26 "Turf" means the upper stratum of soils bound by grass and

1 plant roots into a thick mat.

2 (Source: P.A. 86-358.)

3 (415 ILCS 65/3) (from Ch. 5, par. 853)

4 Sec. 3. Notification requirements for application of lawn
5 care products.

6 (a) Lawn Markers.

7 (1) Immediately following application of lawn care
8 products to a lawn, other than a golf course, an applicator
9 for hire shall place a lawn marker at the usual point or
10 points of entry.

11 (2) The lawn marker shall consist of a 4 inch by 5 inch
12 sign, vertical or horizontal, attached to the upper portion
13 of a dowel or other supporting device with the bottom of
14 the marker extending no less than 12 inches above the turf.

15 (3) The lawn marker shall be white and lettering on the
16 lawn marker shall be in a contrasting color. The marker
17 shall state on one side, in letters of not less than 3/8
18 inch, the following: "LAWN CARE APPLICATION - STAY OFF
19 GRASS UNTIL DRY - FOR MORE INFORMATION CONTACT: (here shall
20 be inserted the name and business telephone number of the
21 applicator for hire)."

22 (4) The lawn marker shall be removed and discarded by
23 the property owner or resident, or such other person
24 authorized by the property owner or resident, on the day
25 following the application. The lawn marker shall not be

1 removed by any person other than the property owner or
2 resident or person designated by such property owner or
3 resident.

4 (5) For applications to residential properties of 2
5 families or less, the applicator for hire shall be required
6 to place lawn markers at the usual point or points of
7 entry.

8 (6) For applications to residential properties of 2
9 families or more, or for application to other commercial
10 properties, the applicator for hire shall place lawn
11 markers at the usual point or points of entry to the
12 property to provide notice that lawn care products have
13 been applied to the lawn.

14 (b) Notification requirement for application of plant
15 protectants on golf courses.

16 (1) Blanket posting procedure. Each golf course shall
17 post in a conspicuous place or places an all-weather poster
18 or placard stating to users of or visitors to the golf
19 course that from time to time plant protectants are in use
20 and additionally stating that if any questions or concerns
21 arise in relation thereto, the golf course superintendent
22 or his designee should be contacted to supply the
23 information contained in subsection (c) of this Section.

24 (2) The poster or placard shall be prominently
25 displayed in the pro shop, locker rooms and first tee at
26 each golf course.

1 (3) The poster or placard shall be a minimum size of 8
2 1/2 by 11 inches and the lettering shall not be less than
3 1/2 inch.

4 (4) The poster or placard shall read: "PLANT
5 PROTECTANTS ARE PERIODICALLY APPLIED TO THIS GOLF COURSE.
6 IF DESIRED, YOU MAY CONTACT YOUR GOLF COURSE SUPERINTENDENT
7 FOR FURTHER INFORMATION."

8 (c) Information to Customers of Applicators for Hire. At
9 the time of application of lawn care products to a lawn, an
10 applicator for hire shall provide the following information to
11 the customer:

12 (1) The brand name, ~~or~~ common name, and scientific name
13 of each lawn care product applied;

14 (2) The type of fertilizer or pesticide contained in
15 the lawn care product applied;

16 (3) The reason for use of each lawn care product
17 applied;

18 (4) The range of concentration of end use product
19 applied to the lawn and amount of material applied;

20 (5) Any special instruction appearing on the label of
21 the lawn care product applicable to the customer's use of
22 the lawn following application; ~~and~~

23 (6) The business name and telephone number of the
24 applicator for hire as well as the name of the person
25 actually applying lawn care products to the lawn; and

26 (7) Upon the request of a customer, a copy of the

1 material safety data sheet for each applied lawn care
2 product.

3 (d) Prior notification of application to lawn. In the case
4 of all lawns other than golf courses:

5 (1) Any neighbor whose property abuts or is adjacent to
6 the property of a customer of an applicator for hire may
7 receive prior notification of an application by contacting
8 the applicator for hire and providing his name, address and
9 telephone number.

10 (2) At least the day before a scheduled application, an
11 applicator for hire shall provide notification to a person
12 who has requested notification pursuant to paragraph (1) of
13 this subsection (d), such notification to be made in
14 writing, in person or by telephone, disclosing the date and
15 approximate time of day of application.

16 (3) In the event that an applicator for hire is unable
17 to provide prior notification to a neighbor whose property
18 abuts or is adjacent to the property because of the absence
19 or inaccessibility of the individual, at the time of
20 application to a customer's lawn, the applicator for hire
21 shall leave a written notice at the residence of the person
22 requesting notification, which shall provide the
23 information specified in paragraph (2) of this subsection
24 (d).

25 (e) Prior notification of application to golf courses.

26 (1) Any landlord or resident with property that abuts

1 or is adjacent to a golf course may receive prior
2 notification of an application of lawn care products or
3 plant protectants, or both, by contacting the golf course
4 superintendent and providing his name, address and
5 telephone number.

6 (2) At least the day before a scheduled application of
7 lawn care products or plant protectants, or both, the golf
8 course superintendent shall provide notification to any
9 person who has requested notification pursuant to
10 paragraph (1) of this subsection (e), such notification to
11 be made in writing, in person or by telephone, disclosing
12 the date and approximate time of day of application.

13 (3) In the event that the golf course superintendent is
14 unable to provide prior notification to a landlord or
15 resident because of the absence or inaccessibility, at the
16 time of application, of the landlord or resident, the golf
17 course superintendent shall leave a written notice with the
18 landlord or at the residence which shall provide the
19 information specified in paragraph (2) of this subsection
20 (e).

21 (f) Notification for applications of pesticides to day care
22 center grounds other than day care center structures and school
23 grounds other than school structures.

24 (1) The owner or operator of a day care center must
25 either (i) maintain a registry of parents and guardians of
26 children in his or her care who have registered to receive

1 written notification before the application of pesticide
2 to day care center grounds and notify persons on that
3 registry before applying pesticides or having pesticide
4 applied to day care center grounds or (ii) provide written
5 notice to all parents and guardians of children in his or
6 her care before applying pesticide or having pesticide
7 applied to day care center grounds.

8 (2) School districts must either (i) maintain a
9 registry of parents and guardians of students who have
10 registered to receive written notification before ~~prior to~~
11 the application of pesticide ~~pesticides~~ to school grounds
12 and notify persons on that list before applying pesticide
13 or having pesticide applied to school grounds or (ii)
14 provide written notification to all parents and guardians
15 of students before applying pesticide or having pesticide
16 applied to school grounds ~~such pesticide application.~~

17 (3) Written notification required under item (1) or (2)
18 of subsection (f) of this Section may be included in
19 newsletters, bulletins, calendars, or other correspondence
20 ~~currently published by the school district.~~ The written
21 notification must be given at least 2 business days before
22 application of the pesticide and should identify the
23 intended date of the application of the pesticide and the
24 name and telephone contact number for the school personnel
25 responsible for the pesticide application program or, in
26 the case of a day care center, the owner or operator of the

1 day care center. Prior written notice shall not be required
2 if there is imminent threat to health or property. If such
3 a situation arises, the appropriate school personnel or, in
4 the case of a day care center, the owner or operator of the
5 day care center must sign a statement describing the
6 circumstances that gave rise to the health threat and
7 ensure that written notice is provided as soon as
8 practicable.

9 (Source: P.A. 91-99, eff. 7-9-99; 92-16, eff. 6-28-01.)

10 (415 ILCS 65/6) (from Ch. 5, par. 856)

11 Sec. 6. This Act shall be administered and enforced by the
12 Department. The Department may promulgate rules and
13 regulations as necessary for the enforcement of this Act. The
14 Department of Public Health must inform school boards and the
15 owners and operators of day care centers about the provisions
16 of this Act that are applicable to school districts and day
17 care centers, and it must inform school boards about the
18 requirements contained in subdivisions 10-20.46 and 34-18.37
19 of the School Code. The Department of Public Health must
20 recommend that day care centers and schools use a natural lawn
21 care program to maintain their turf. The Department of Public
22 Health must also report violations of this Act of which it
23 becomes aware to the Department for enforcement.

24 (Source: P.A. 86-358; 87-1033.)

25 Section 99. Effective date. This Act takes effect upon

1 becoming law.